

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CURTIS S. THOMPSON,)	
)	
Plaintiff,)	CASE NO. C05-2064-JLR-MAT
v.)	
)	
OFFICER BURACH, <i>et al.</i> ,)	ORDER STRIKING PLAINTIFF'S
)	MOTION TO SUPPLEMENT
Defendants.)	COMPLAINT
_____)	

This is a civil rights action filed under 42 U.S.C. § 1983. This matter comes before the Court at the present time on plaintiff's motion for leave to supplement his complaint. The Court, having reviewed plaintiff's motion, and the balance of the record, does hereby ORDER as follows:

(1) Plaintiff's motion for leave to supplement his complaint (Dkt. No. 157) is STRICKEN. Plaintiff, by way of the instant motion, seeks to add a new defendant to this action. Thus, plaintiff's motion is, effectively, one for leave to amend. Plaintiff has previously been advised that any request to amend must be accompanied by a proposed amended complaint and that any such motion not accompanied by a proposed amended complaint would be stricken. (*See* Dkt. Nos. 108 and 156.) Plaintiff may not circumvent the


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MOTION TO SUPPLEMENT
COMPLAINT - 1

01 requirement that he submit a proposed amended complaint simply by identifying his motion as
02 something other than a motion to amend.

03 (2) Plaintiff also requests appointment of counsel in the motion now pending before
04 the Court. Plaintiff has previously been advised that there is no right to have counsel
05 appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. §
06 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court
07 may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331
08 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*,
09 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation
10 of both the likelihood of success on the merits and the ability of the plaintiff to articulate his
11 claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.
12 Plaintiff has not demonstrated that this case involves exceptional circumstances which warrant
13 the appointment of counsel and, thus, plaintiff's request for appointment of counsel is
14 DENIED.

15 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
16 defendants, and to the Honorable James L. Robart.

17 DATED this 31st day of January, 2011.

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19 
20 Mary Alice Theiler
21 United States Magistrate Judge
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